


FEB 25 2009

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JOHN F. CONCORAN, CLERK
BY: 
DEPUTY CLERK

ABRAHAM PINCKNEY, JR.,)	
Plaintiff,)	Civil Action No. 7:09cv00044
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
WARDEN,)	By: Samuel G. Wilson
Defendant.)	United States District Judge

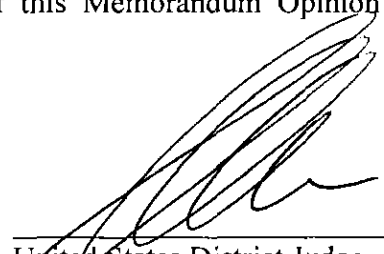
Plaintiff Abraham Pinckney, Jr., a Virginia inmate proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983. Pinckney has also requested to proceed in forma pauperis.

According to court records, Pinckney has filed at least three actions in a court of the United States that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim.¹ Therefore, Pinckney may not proceed with this action unless he either pays the \$350.00 filing fee or shows that he is “under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

As Pinckney has neither prepaid the filing fee nor demonstrated that he is “under imminent danger of serious physical injury,” the court dismisses his complaint without prejudice.²

The Clerk is directed to send a certified copy of this Memorandum Opinion and the accompanying Order to the plaintiff.

ENTER: This 27th day of February, 2009.



United States District Judge

¹ See Pinckney v. Pinckney, Civil Action No. 7:98cv00763 (W.D. Va. Jan. 19, 1999) (dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)); Pinckney v. Society, Civil Action No. 7:99cv00383 (W.D. Va. June 21, 1999) (dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)); Pinckney v. Deeds, et al., Civil Action No. 7:99cv00578 (W.D. Va. Sept. 15, 1999) (dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)).

² The court has previously notified Pinckney that he may not file civil actions in this court unless he either pays the filing fee or demonstrates that he is under imminent danger of serious physical injury. Therefore, the court will not give Pinckney additional time to pay the filing fee or amend his complaint.